

## REMARKS

Claims 1-33 are cancelled. Claims 34-46 are added, and are now active in this application.

Applicants wish to thank Examiner Mondesi for the helpful and courteous discussion conducted with their representative, Mr. William E. Beaumont, on October 10, 2007. During the discussion, proposals were made to clarify claim language. Applicants now make the following additional remarks.

Claims 34-42 are directed to a method of inhibiting adipogenesis using a truncated *DEC1/Stra13* polypeptide as claimed. Claims 43-46 are directed to a method of inhibiting adipogenesis using a full length *DEC1/Stra13* polypeptide. Both method claim sets are fully supported by the claims and disclosure as originally filed. See pages 5, 6 and 12 and also Figures 6A and 6B of the present specification.

Claims 9 and 13 stand rejected under 35 U.S.C. §112, first paragraph, as ostensibly failing to comply with the written description requirement.

However, in view of the newly presented claims, it is urged that this ground of rejection is moot.

Claims 9 and 13 stand rejected under 35 U.S.C. §112, first paragraph, as the specification is ostensibly non-enabling therefor.

However, in view of the newly presented claims, it is urged that this ground of rejection is also moot.

Finally, Applicants gratefully note both the examiner's acknowledgement of the claim to priority, and that the drawings have been accepted.


Accordingly, in view of all of the above, it is believed that this application is now in condition for allowance. Early notice to this effect is earnestly solicited.

Applicant hereby petitions for the Commissioner to charge any additional fees or any underpayment of fees which may be required to maintain the pendency of this case or credit any overpayment to Deposit Account No. 04-1061.

Respectfully submitted,

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